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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,110	12/06/2000	Jeffrey L. Strunk	19336-1574001	7941

7590

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EXAMINER

BHATTACHARYA, SAM

ART UNIT

PAPER NUMBER

2687

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/731,110	<b>Applicant(s)</b> STRUNK ET AL.	
	<b>Examiner</b> Sam Bhattacharya	<b>Art Unit</b> 2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 36-44 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20041227</u> . | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 36, 37, 39, 41, 42 and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by LaPorta (US 5,974,300).

Regarding claims 36, 39, 41 and 44, LaPorta discloses a computer implemented system for providing a directory of contact information associated with wireless communications devices (in cellular network 24, including a network station adapted to carry out software-based instructions in the generation of a database system 32 of the contact information for wireless communications devices, a contact information gathering system 30 adapted to implement a process to gather from one or more sources the contact information for one or more wireless communications devices, the contact information gathering system 30 including means for the network station to interface with one or more wireless communications service provider stations 24 to obtain contact information for one or more wireless communications devices, and an exchange system 14 which receives from said information gather system and transmits the contact information for one or more parties upon request. See FIG. 1 and col. 4, lines 44-67.

Regarding claim 37 and 42, LaPorta discloses that the means for the network station to interface with the one or more wireless communications service provider stations includes a router switch 28 station for coupling said network station to said wireless communications service providers. See col. 14, lines 60-65 and col. 15, lines 17-21.

*Claim Rejections - 35 USC § 103*

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 38 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaPorta et al. in view of Dreke et al. (U.S. Patent Application Publication 2002/0035594 A1).

As to claims 38 and 43, the LaPorta reference fails to disclose that the switch station polls the telecommunications service provider stations at selectable frequencies one or more times a day.

However, the Dreke reference teaches means for interfacing poll said telecommunications service provider stations at selectable frequencies (“either the server periodically pushes presence information to each interested user via the user’s client computer (as in the AOL<sup>TM</sup> system) or the user uses a client computer to periodically poll the server to receive the presence information” (page 1, col. 2, lines 1-5). “Frequent polls from the client computer to the server are employed so that newly connecting users receive updated presence information in a timely manner” (page 1, col. 2, lines 6-10). “Each user polls the server every 90 seconds to check for the presence of another user” (page 1, col. 2, lines 18-19). “The present invention is not limited to the Internet. Any network would suffice. In addition to tracking peers, the present invention is also intended to keep track of devices, people and services” (page 2, col. 1, paragraph [0014], lines 5-8)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system and method of LaPorta et al. wherein means for

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interfacing poll said telecommunications service provider stations at selectable frequencies, as taught by Dreke, in order to receive updated contact information in a timely manner.

5. Claim 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaPorta et al. in view of Thorner et al. (WO 98/56158).

As to claim 40, the LaPorta fails to explicitly disclose the central network station includes means for enabling a device user to access the database and enter contact information and update the database system for access of particular individually created contact information. The Thorner reference teaches the central network station includes means for enabling a device user to access the database and enter contact information and update the database system for access of particular individually created contact information (“the database 3 could also comprise an extra database portion 3’ in which customers could add data regarding themselves and/or write corrected data or temporary data regarding telephone number or the like. This database 3’ is not intended to be monitored by the monitor 9 but could be used as means for making updating more often (for instance every week) than once a year when telephone books are normally updated. It could be possible to let a customer for instance place a certain mark at the data regarding him, even if he is not allowed to make any other amendments in the electronic phone book as represented by the database 3. The presence of such a mark instructs the search motor to search in the database portion 3’” (page 10, line 23 to page 11, line 2)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system and method of LaPorta et al. wherein the central network station includes means for enabling a device user to access the database and enter

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contact information and update the database system for access of particular individually created contact information, as taught by Thorner, in order to allow customers to add data regarding themselves and/or write corrected data or temporary data regarding telephone number or the like.

### *Response to Arguments*

6. Applicant's arguments filed 4/25/05 have been fully considered but they are not persuasive.

Applicant argues that a cellular network is not a telecommunications service provider. Applicant further argue that LaPorta does not teach the existence of one or more wireless communication service provider stations that interact with the contact information gathering system.

Examiner respectfully disagrees. A cellular network inherently is a telecommunications service provider because telecommunication service is provided to cellular users through the cellular network. Examiner suggests that further distinctions between a telecommunication service provider and the cellular network be included in the claims to distinguish them over LaPorta. Moreover, the communication service provider station 24 clearly interacts with the contact information gathering system 30 since information is communicated between those two components of the network through the switch 18.

### *Conclusion*

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917. The examiner can normally be reached on Weekdays, 9-6, with first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sb

  
**SONNY TRINH**  
**PRIMARY EXAMINER**